

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

DAMIAN J. RENZELLO,

Plaintiff,

v.

MICHAEL E. NELSON,

Defendant.

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Case No. 1:05-cv-00153-jgm

ORDER ON PLAINTIFF'S MOTION TO ENFORCE THE AGREEMENT AND CONSENT
JUDGMENT AND FOR OTHER RELIEF

(Doc. 169)

On May 16, 2007, Plaintiff Damian Renzello and Defendant Michael Nelson entered an Agreement and Consent Judgment (the "Agreement") signed and approved by this Court prohibiting them from interfering with each other's businesses, among other things. (Doc. 167.) To enforce the Agreement, a party must notify the other of non-compliance by registered mail. (Id.) If after thirty (30) days the notified party fails to cure his non-compliance, the notifying party may seek a hearing before the Court. (Id.)

On September 18, 2014, Renzello filed a motion to enforce the Agreement, among other things. (Doc. 169.) Renzello alleged Nelson has posted false information about Renzello's business and Renzello on a website, ripoffreport.com, in violation of the Agreement. Renzello also explained he was unable to locate Nelson (Id. ¶ 13), and therefore unable to comply with the requirement that he notify Nelson by registered mail before seeking a hearing with the Court. (Id. ¶ 14.)

More recently, on November 21, 2014, Renzello filed a Certificate of Service attesting that he had served a copy of his motion (Doc. 167) on Nelson by first-class mail. (Doc. 173.) The Court will treat this service as Renzello's notification of Nelson's non-compliance under the Agreement.

Nelson has thirty days from his receipt of that notice to cure his non-compliance. If after thirty days Nelson has not cured his non-compliance, Renzello may then seek a hearing before the Court to enforce the Agreement. Accordingly, the Court defers ruling on Renzello's present motion. (Doc. 169.)

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 11th day of December, 2014.

/s/ J. Garvan Murtha
Honorable J. Garvan Murtha
United States District Judge